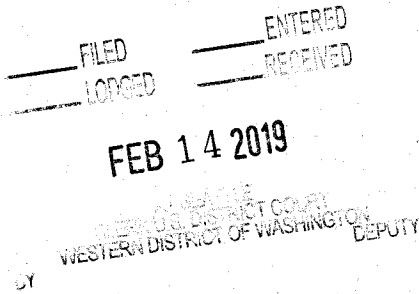


Magistrate Judge Mary Alice Theiler



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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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UNITED STATES OF AMERICA,

Plaintiff

v.

BARRY HORN,

Defendant.

CASE NO.

MJ19-068

COMPLAINT for VIOLATION

Title 21, United States Code,
Sections 841(a)(1), 841(b)(1)(C), 846

Title 18, United States Code,
Section 924(c)(1)(A)(i)

BEFORE, the Honorable Mary Alice Theiler, United States Magistrate Judge,
United States Courthouse, Seattle, Washington.

The undersigned complainant being duly sworn states:

Count 1
(Conspiracy to Distribute Fentanyl)

Beginning at a time unknown, but within the past five years, and continuing to
February 7, 2019, in Snohomish County and elsewhere within the Western District of
Washington, BARRY HORN, and others known and unknown, did knowingly and
intentionally conspire to distribute fentanyl (N-Phenyl-N [1-(2-phenylethyl)-4-
piperidinyl] propanamide), a substance controlled under Title 21, United States Code,
Section 812.

1 All in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A)
2 and 846.

3 **Count 2**

4 **(Possession of a Firearm in Furtherance of a Drug Trafficking Crime)**

5 On or about February 7, 2019, in Snohomish County and elsewhere within the
6 Western District of Washington, BARRY HORN did possess firearms, to wit: one Sig
7 Sauer 9mm semiautomatic pistol bearing serial number 58C009730, and one Springfield
8 XDS semiautomatic pistol bearing serial number S3268080, in furtherance of a drug
9 trafficking crime, to wit: Conspiracy to Distribute Fentanyl, as charged in Count 1 above.

10 All in violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

11
12 **AFFIANT BACKGROUND**

13 1. I am employed as a Special Agent (SA) with the United States Drug
14 Enforcement Administration (DEA), and have been so employed since March 2016. I am
15 currently assigned to the Snohomish Regional Drug and Task Force (SRDTF). In this
16 capacity, I investigate violations of the Controlled Substance Act, Title 21, United States
17 Code, Section 801 et seq., and related offenses. I have received specialized training in
18 the enforcement and investigation of the Controlled Substance Act. I have received over
19 620 hours of classroom training including but not limited to, drug identification, drug
20 interdiction, detection, money laundering techniques and schemes, smuggling, and the
21 investigation of individuals and/or organizations involved in the illegal possession,
22 possession for sale, sales, importation, smuggling, cultivation, manufacturing and
23 trafficking of controlled substances.

24 2. In my role as a Special Agent for DEA, I have participated in narcotics
25 investigations involving heroin, fentanyl, cocaine, marijuana, and methamphetamine
26 which have resulted in the arrest of individuals, the seizure of narcotics and/or narcotic-
27 related evidence, and the forfeiture of narcotics related assets. I have been involved in
28 the service of search warrants as part of these investigations. As a result of my training

1 and experience, I am familiar with the various tools, methods, trends, paraphernalia and
2 related articles used by various traffickers in their efforts to import, conceal, and
3 distribute controlled substances. I am also familiar with the various methods of
4 packaging, delivering, transferring, and laundering drug proceeds. Additionally, through
5 my training and experience, I can identify illegal drugs by sight, odor, and texture.

6 3. Based on my training and experience, and information relayed to me by
7 other law enforcement personnel, I know that fentanyl is a Schedule II narcotic and a
8 highly a dangerous drug. Fentanyl is a synthetic opioid that is 50 times more toxic than
9 heroin. In its purest form, fentanyl is a white powder, or it can resemble grains similar in
10 size to table salt. For most people, two to three milligrams of fentanyl is capable of
11 inducing respiratory depression, respiratory arrest, and possibly death. Two to three
12 milligrams of fentanyl is comparable in size to five to seven individual grains of table
13 salt. Additionally, counterfeit oxycodone pills containing fentanyl have been associated
14 with multiple overdose deaths in Skagit and Snohomish Counties in 2018, and fentanyl
15 has been linked to dozens of overdoses in Snohomish County, Washington.

16 4. The facts in this affidavit are based on my personal participation in this
17 investigation and information provided to me by other agents, officers and witnesses.

18 INVESTIGATION

19 5. As described below, Barry HORN, Nicholas STARZMAN, Rhett IRONS
20 and a CS conspired to distribute counterfeit oxycodone containing fentanyl, commonly
21 referred to as "M30s." As part of the conspiracy, IRONS supplied HORN and
22 STARTZMAN with counterfeit oxycodone which HORN and STARZMAN redistributed
23 to others.

24 6. During the investigation described below, agents used the assistance of two
25 confidential informants referred to as CS1 and CS2. Both informants have misdemeanor
26 convictions for drug-related offenses with no conviction occurring after 2008. Both
27 informants identified IRONS as an individual distributing M30s through numerous
28 redistributors that worked for him, to include HORN and STARTMAN. Both informants

1 reported that HORN lived with IRONS, and that if IRONS was unavailable, HORN
2 would conduct the drug transactions for IRONS. CS2 reported that during the timeframe
3 alleged in the conspiracy, CS2 purchased 100 M30 pills from HORN on two occasions
4 when IRONS was not available.

5 7. A Department of Licensing records check on January 31, 2019 confirmed
6 that STARTZMAN lists 16764 Wales Street SE, Monroe, Washington 98272 address as
7 his residence on his Washington driver's license, and lists this address on the registration
8 for three vehicles owned by him: a 2002 the silver Honda bearing Washington bearing
9 license plate AMV0407; a 2008 gold Chrysler Aspen bearing Washington license plate
10 BLF7028; and a 2004 black GMC Envoy bearing Washington license plate 505WOC. A
11 records check on January 31, 2019 also confirmed that IRONS lists 21005 59th PL W,
12 Lynnwood, Washington as his residence on his Washington driver's license, and lists this
13 address on the registration for three vehicles owned by him: a 2015 Audi A8 bearing
14 Washington bearing license plate BLN7018; a black 2007 Audi Q7 bearing Washington
15 license plate BHL9436; and a 2015 Lexus LS bearing Washington license.

16 8. In July 2018, CS1 conducted a controlled purchase of ten M30 pills from
17 STARTZMAN. Agents followed CS1 to and from the meeting location. After the
18 controlled buy, CS1 returned as instructed to a designated neutral location. CS1 gave me
19 the ten M30 pills which s/he purchased from STARTZMAN for \$300. Agents searched
20 CS1's person and vehicle before and after the controlled purchase, and found no
21 additional contraband. CS1 reported that during the sale, CS1 observed STARTZMAN
22 was in possession of approximately 200 more M30 pills that STRATZMAN kept hidden
23 in a container disguised as a soda can. CS1 also reported that STARTZMAN noticed
24 some of the pills were broken and said, "Fucking Barry" upon inspecting the drugs. CS1
25 believed STARTZMAN was referring to Barry HORN who likely supplied the broken
26 pills. The ten pills purchased by CS1 tested positive for fentanyl based on testing
27 completed by the DEA forensic laboratory.
28

1 9. On February 7, 2019, investigators followed Nicholas STARTZMAN and
2 his wife Satina STARTZMAN driving a gold Chrysler Aspen as they drove from
3 STARTZMAN's residence located at 16764 Wales Street SE, Monroe, Washington
4 98272 directly to the lengthy driveway leading to the residence of Rhett IRONS located
5 at 21005 59th PL W, Lynnwood, Washington.

6 10. After viewing this activity, I posed as CS1 and contacted STARTZMAN
7 using 425-315-5836. I sent a text message to STARTZMAN asking if he had any pills.
8 STARTZMAN sent a text message back to the person he believed to be CS1 stating that
9 he was picking up pills.

10 11. After STARTZMAN's vehicle traveled down the lengthy driveway to
11 IRONS' residence, agents observed STARTZMAN, his wife, and a child in the gold
12 Chrysler as they left the driveway approximately one hour later. Investigators conducted
13 a traffic stop of STARTZMAN's vehicle and executed a search warrant for the vehicle.
14 Investigators found Nicholas STARTZMAN in the front passenger seat, his wife was
15 driving the vehicle, and their child was in the backseat. Directly at STARTZMAN's feet
16 on the floor in front of the passenger's seat, investigators found a container disguised as a
17 soda can with a false top. Inside the soda can, investigators recovered approximately 40
18 pills (weighing 4 grams) with the markings "M" on one side and "30" on the other. On
19 STARTZMAN's person, investigators recovered two baggies containing approximately
20 190 light-colored pills (weighing 19.4 grams), with the markings "M" on one side and
21 "30" on the other. Testing conducted by the 10th Civil Support Team ("10CST"), a
22 Department of Defense laboratory certified in the testing of hazardous materials, revealed
23 pills from STARZMAN's vehicle and person were positive for fentanyl.

24 12. Agents advised STARTZMAN of his *Miranda* warnings, and he waived his
25 rights and agreed to answer questions. STARTZMAN reported that he was selling M-30s
26 for the last year, and the pills on his person were more than he normally picked up from
27 his supplier. STARTZMAN said he normally picked up 30 to 50 pills three times per
28 week. Therefore, a conservative estimate of STARTZMAN's distribution quantity

1 during the last year based on his own statements would be 4,680 pills (52 weeks x 3 times
2 per week x 30 pills) which equates to 468 grams (conservatively, each pill is
3 approximately .1 gram, but can weigh more).

4 13. On February 7, 2019, agents executed a search warrant at Rhett IRONS'
5 residence located at 21005 59th PL W, Lynnwood, Washington, and inside agents
6 contacted RHETT IRONS, a female who identified herself as IRONS' girlfriend, and
7 four children. While searching the residence, agents recovered a loaded Glock 42 pistol
8 underneath the mattress in the master bedroom where a child was sleeping on the bed.
9 Also in the master bedroom, agents recovered approximately 1,216 M30 pills weighing
10 122.5 grams stored in the pockets of various clothes, in a dresser drawer, and in a closet
11 safe. In the garage on a toolbox with mail addressed to IRONS, agents recovered
12 approximately 30 additional M30 pills (weighing 3.6 grams). The appearance of the pills
13 recovered from IRONS' residence were similar in shape, size and color to the pills
14 recovered from STARZMAN. Testing conducted by 10CST revealed pills from IRONS'
15 bedroom were positive for fentanyl.

16 14. While agents were executing the search warrant at IRONS' residence, they
17 contacted Barry HORN and his two children outside as they were coming home. Agents
18 advised HORN of his *Miranda* warnings and HORN agreed to answer questions.

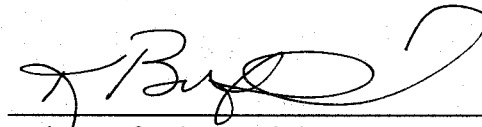
19 15. HORN stated that he lived with IRONS for the last year, and confirmed the
20 location of his bedroom in the basement of the house. HORN's two children occupied
21 another bedroom in the basement. HORN admitted that during the last year and a half, he
22 had been selling M30s with IRONS and he "knew this was going to happen", referring to
23 agents search the house. HORN said that he sold 100 pills a week, and obtained the pills
24 from IRONS. Based on HORN's statement that he distributed 100 pills a week for the
25 last year and a half, a conservative estimation of 52 weeks (one year) x 100 pills is 5200
26 pills, weighing approximately 520 grams.

27 16. While at the residence, HORN provided the code for a safe in his bedroom
28 dresser where agents recovered approximately 120 M30 pills (11.8 grams) that tested

1 positive for fentanyl as processed by 10CST. In same dresser, agents recovered a loaded
2 Sig Sauer semiautomatic pistol with three loaded magazines. In a coat hanging on a coat
3 rack by the bedroom door, agents recovered a loaded Springfield semiautomatic pistol.

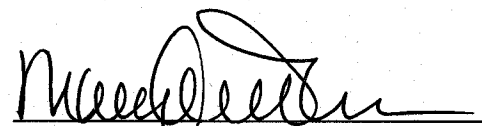
4 Based on the above facts, I respectfully submit that there is probable cause to
5 believe that BARRY HORN did knowingly and intentionally conspire to distribute
6 fentanyl (N-Phenyl-N [1-(2-phenylethyl)-4-piperidinyl] propanamide) in violation of
7 Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A) and 846, and did possess
8 two firearms in furtherance of that crime in violation of 924(c)(1)(A)(i).

9 Dated this 14 day of February, 2019.

10
11 
12 Kris Burford, Special Agent
13 Drug Enforcement Agency
14 Complainant

15 Based on the Complaint and Affidavit sworn to before me, and subscribed in my
16 presence, the Court hereby finds that there is probable cause to believe the Defendant
17 committed the offense set forth in the Complaint.

18
19 Dated this 14 day of February, 2019.

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22 Mary Alice Theiler
23 United States Magistrate Judge
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